



Agenda Item Number: 4-4-13.8

**SANDOVAL COUNTY
BOARD OF COUNTY COMMISSIONERS**

**Date of Commission
Meeting:**

April 4, 2013

**Division / Elected
Office:**

Public Works

Staff Contact:

Tommy Mora Jr., Acting Director of Public Works

Title of Item:

Resolution for Landfill Refunding & Financing Application

Action Requested:

Request for a Motion to Adopt Resolution No. 4-4-13.8 Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority for Landfill Refunding Bond and Loan Financing Transaction for Construction of Landfill Facility, Transfer Stations, and New Cell Development; and Declaring the Intent of the County Commission to Consider for Adoption an Ordinance Authorizing Such Loan and Authorizing Publication of Notice of Intent to Adopt Such Ordinance / \$12,596,300.77

Summary:

Sandoval County would like to apply for financial assistance in the amount of \$12,596,300.77 from the Finance Authority to pay off its 2003 Landfill Net System Revenue Bonds in the amount of \$2,911,856.25 and the New Mexico Environment Department RIP Loan in the amount of \$953,948.46. The remaining funds would be used to develop new landfill cells at the existing landfill and the PNM ROW Development which includes the relocation of the PNM Power lines to allow additional air space at the existing landfill site. New Landfill Development –New Site NMED MSW Permit.

Staff recommends approval of this application

Attachments:

1. Resolution No. 4-4-13.8
2. Capital Development Estimates
3. Sources and Uses Report
4. Public Project Revolving Fund Building Application



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FISCAL IMPACT

Will have debt service for the bond, but will gain air space at the landfill which will add additional revenue up to 45 million dollars of air space.

STAFF ANALYSIS SUMMARY

County Manager:

Staff is working with Rob Burpo in putting the financial package together for submission to the NMFA. Recommend Board of County Commission approval. PPR 03/27/2013

**Initiating Elected Official /
Division Director:**

Recommend Approval-TMJ- 3/27/13

Legal:

Reviewed by Bond Counsel. PFT 3/28/13

Finance:

Recommend Approval – CCH 3/27/13

SANDOVAL COUNTY, NEW MEXICO
RESOLUTION NO. 4-4-13.8

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY; DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF SANDOVAL COUNTY, NEW MEXICO, TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN SANDOVAL COUNTY, NEW MEXICO AND THE NEW MEXICO FINANCE AUTHORITY FOR THE PURPOSES OF DEFRAYING THE COSTS OF (1) REFUNDING THE COUNTY'S OUTSTANDING LANDFILL REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2003, (2) REFUNDING THE COUNTY'S OUTSTANDING 2010 NEW MEXICO ENVIRONMENT DEPARTMENT LOAN, (3) LANDFILL PROJECTS, AND (4) PAYING COSTS OF ISSUANCE; AND DIRECTING THE COUNTY MANAGER AND COUNTY CLERK TO PUBLISH NOTICE OF INTENT TO ADOPT AN ORDINANCE AUTHORIZING SUCH LOAN AGREEMENT IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY.

WHEREAS, Sandoval County, New Mexico (the "County") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 (the "Finance Authority Act"), and the Sandoval County Commission (the "Commission") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the County; and

WHEREAS, the New Mexico Finance Authority (the "Finance Authority") has instituted a program for financing of projects from the public project revolving fund created under the Finance Authority Act and has developed an application procedure whereby the Commission may submit an application (the "Application") for financial assistance from the Finance Authority for public projects; and

WHEREAS, the Commission intends to undertake (1) the refunding of its outstanding Landfill Refunding and Improvement Revenue Bonds, Series 2003, and its 2010 New Mexico Environment Department Loan (the "Refunding Project"), and (2) the financing of new development and improvements at the County's existing landfill (the "Improvement Project" and, together with the Refunding Project, the "Project") for the benefit of the County and its citizens; and

WHEREAS, the application prescribed by the Finance Authority has been completed and submitted to the County (attached) and this resolution approving submission of the completed

Application to the Finance Authority for its consideration and review is required as part of the Application; and

WHEREAS, Sections 4-62-1 through 4-62-10 NMSA 1978 (the "Revenue Bond Act"), authorize New Mexico counties to issue revenue bonds to finance the (1) refinancing, paying and discharging of outstanding bonds, and (2) acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing, furnishing, equipping or rehabilitating of landfills; and

WHEREAS, the County desires to consider for adoption an ordinance authorizing execution and delivery of a Loan Agreement by and between the County and the Finance Authority for the purposes of defraying the costs of (1) the Project, and (2) paying costs of issuance; and

WHEREAS, Section 4-37-7 NMSA 1978, requires that publication of the title and general summary of the subject matter of any proposed ordinance be made in a newspaper of general circulation within the County at least two weeks prior to the meeting of the Board of County Commissioners at which the ordinance is proposed for final passage.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF SANDOVAL:

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Commission and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Commission be and the same is hereby approved and confirmed.

Section 3. That the officers and employees of the Commission are hereby directed and requested to submit the completed Application to the Finance Authority for its review, and are further authorized to take such other action as may be requested by the Finance Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. That the County Manager and County Clerk are hereby directed, in accordance with Section 4-37-7 NMSA 1978, as amended, to publish in the *Albuquerque Journal*, a newspaper of general circulation within the County, a title and general summary of the ordinance relating to and authorizing execution and delivery of a Loan Agreement with the New Mexico Finance Authority at least two weeks prior to the meeting at which the Commission will consider such ordinance. The County Manager and County Clerk may undertake such publication upon their own initiative and submittal of any necessary documents related to the proposed ordinance.

Section 5. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

Section 6. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of April, 2013.

Sandoval County Commission

By _____
Darryl Madalena
County Commission Chairperson

(Seal)

ATTEST:

Authorized Officer

**SANDOVAL COUNTY LANDFILLS
CAPITAL DEVELOPMENT ESTIMATE
REVENUE BOND FUNDING**

Description		Engineering	Construction	Tax	Budget
1.0 Existing Landfill Development					
Task 1.1	Cell 5B Development	\$ 50,000	\$ 668,651	\$ 68,114	\$ 786,765
Task 1.2	Cell 7 Development	\$ 50,000	\$ 1,054,619	\$ 104,368	\$ 1,208,987
Task 1.3	Cell 6B Development	\$ 50,000	\$ 1,009,870	\$ 100,208	\$ 1,160,078
Task 1.4	Cell 4C Development	\$ 50,000	\$ 633,135	\$ 64,812	\$ 747,947
	Subtotal:	\$ 200,000	\$ 3,366,275	\$ 337,502	\$ 3,903,778
2.0 PNM ROW Development					
Task 2.1	PNM ROW Relocation	\$ -	\$ -	\$ -	\$ 2,100,000
Task 2.2	ROW NMED MSW Permit	\$ 190,000	\$ -	\$ 14,131	\$ 204,131
	Subtotal:	\$ 190,000	\$ -	\$ 14,131	\$ 2,304,131
3.0 New Landfill Development					
Task 3.1	New Site NMED MSW Permit	\$ 500,000	\$ -	\$ 37,188	\$ 537,188
	Subtotal:	\$ 500,000	\$ -	\$ 37,188	\$ 537,188
	Grand Total:	\$ 890,000	\$ 3,366,275	\$ 388,821	\$ 6,745,096

NOTES:

- All estimated costs are in current dollars
- Does not include cell construction for PNM ROW or new site
- 20% Discount applied for simultaneous engineering and cell construction (Tasks 1.1-1.4)
- Cell Construction costs do not include Cell Excavation by Contractor (Tasks 1.1-1.4)



SANDOVAL COUNTY 2013 LANDFILL REFUNDING AND FINANCING SOURCES AND USES REPORT



ESTIMATED MARCH 15, 2013

Sources:

NMFA Loan Proceeds	\$	11,086,013.82
Existing Debt Service Reserve Funds @ County	\$	488,262.50
Site Closure Fund @ County	\$	930,000.00
Sandoval County Funds		
Interest Payment from Sandoval County on NMED	\$	13,248.20
Interest Payment from Sandoval County on 2003	\$	78,806.25
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Total Sources	\$	12,596,330.77

Uses:

Principal on Refunded 2003 Bonds	\$	2,833,050.00
Interest on Refunding 2003 Bonds	\$	78,806.25
Principal on Refunded NMED RIP 2010 Loan	\$	940,700.26
Interest on Refunded NMED RIP 2010 Loan	\$	13,248.20
New Debt Service Reserve Fund @ NMFA	\$	900,000.00
Site Closure Fund @ County	\$	930,000.00
Cost of Issuance	\$	100,000.00
Landfill Bond Funds to the County	\$	6,745,096.00
NMFA Fee	\$	55,430.07
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Total Uses	\$	12,596,330.77
	\$	1,510,316.95
	\$	11,086,013.83



NEW MEXICO
FINANCE AUTHORITY

NMFA Use Only:

App. #:	-PP
FA assigned:	
Legislative Authorization	

**PUBLIC PROJECT REVOLVING FUND
BUILDING APPLICATION**

I. GENERAL INFORMATION

A. APPLICANT /ENTITY

Application Date: 4/4/2013

Applicant/Entity:	Sandoval County				
Address:	1500 Idalia Rd, Building D. Bernalillo, New Mexico 87004				
County	Sandoval		Census Tract:		
Federal Employer Identification Number (EIN) as issued by the IRS:			85-6000244		
Legislative District:	Senate:		House:		
Phone:	(505)857-7538	Fax:		Email Address:	prios@sandovalcountynm.gov
Individual Completing Application:		Robert M. Burpo			
Address:	2155 Louisiana NE Suite 10100 Albuquerque, New Mexico 87110				
Phone:	505)883-0083	Fax:	(505) 883-7644	Email Address:	rob@firstamericanfa.com

B. CONSULTING PROFESSIONALS (Bond/Legal Counsel, Architect, Engineer, etc.), if available:

Firm:	Modrall Sperling				
Contact:	Daniel Alsup, Duane Brown				
Address:	500 Fourth St. NW, Suite 1000 Albuquerque, New Mexico 87102				
Phone:	(505)848-1854	Fax:	(505) 449-2054	Email Address:	dma@modrall.com

C. PRIMARY CONTACT PERSON:

Name:	First American Financial Advisors, Inc.				
Contact:	Rob Burpo				
Address:	2155 Louisiana NE Suite 10100 Albuquerque, New Mexico 87110				
Phone:	(505)8830083	Fax:	(505) 883-7644	Email Address:	rob@firstamericanfa.com

II. PROJECT SUMMARY

A. Project Description. Complete the following information, using additional paper if necessary. Include any additional documents that may be useful in reviewing this project, i.e. architectural designs, feasibility studies, business plan, etc.

1. Description of the project. Refunding of 2003 County revenue bond used to construct the landfill facility near Rio Rancho, New Mexico and several transfer stations as well as financing new cell development at the current site and a new site.

2. Proposed Project Start Date: 8/15/2013 Proposed Project Completion Date: 2016
When do you need NMFA funds available? 8/15/2013

3. How will the ongoing maintenance, operation, and replacement of this project be funded? Through the Sandoval County Solid Waste Department and its enterprise fund.

4. Provide a detailed drawdown schedule for project payments. The schedule may reflect monthly or quarterly payments.

B. Total Project Cost & Sources of Funds Detail. See Sources and Uses attached.

Construction Activities	NMFA Funds Requested	Other Public Funds*	Private Funds	Total
Planning and Design – Engineering	\$890,000	\$	\$	\$890,000
Construction	\$3,366,275	\$	\$	\$3,366,275
Taxes	\$388,821	\$	\$	\$388,821
Infrastructure Activities				
NMFA Fee	\$55,430.07	\$	\$	\$55,430.07
Site Closure Fund	\$	\$900,000	\$	\$900,000
Utilities (Electric, Gas, Water, etc.)	\$	\$	\$	\$ 0.00
Debt Service Reserve Fund	\$411,737.50	\$488,262.50	\$	\$900,000

Cost of Issuance	\$100,000	\$	\$	\$100,000
Other: NMED RIP 2010 Loan	\$940,700.26	\$13,248.20	\$	\$953,948.46
Other: Refunding 2003 Bonds	\$2,833,050	\$78,806.25	\$	\$2,911,856.25
Total Cost:	\$11,086,013.83	\$1,510,316.95	\$ 0.00	\$12,596,300.77

*Specify any other public funds, and amounts and terms of these funds, i.e. FmHA, CDBG, EPA, etc.

Source	Amount	Terms / # of Years
Total:		

Attach a letter verifying that each non-NMFA funding source has been approved, or is in the process of being approved for this project. Explain any exceptions.

- C. Will this project require right-of-way acquisition? Yes * ☐ No ☐

If yes, specify any right-of-way needs, and whether acquisition may or may not delay beginning of project.

- D. Who will hold title to the land where the project is to be located? Sandoval County

If this is land owned by the Bureau of Land Management, State Land Office, or Tribal Land, please attach lease agreements. (If there is no clear title, attach an explanation of ownership arrangements.

- E. Does this project require a Joint Powers Agreement (JPA)? Yes ☐ No * ☐

If yes, provide a copy of the JPA, which should include a list of the current membership.

III. FINANCING

- A. 1. Specify the revenue to be pledged as security for the NMFA loan (a revenue source must be pledged for this type of project).

☐ Municipal Local Option GRT – please specify: _____

* ☐ County Option GRT – please specify: _____

☐ Other Tax-Based Revenue: _____

☐ State-Shared GRT

☐ Law Enforcement Funds

☐ Fire Protection Funds

* Net System Revenues: _____

☐ Other Revenue: _____

2. Is there an alternative revenue source available to pledge to pay debt service in the event that the primary pledged revenue is unavailable or insufficient? Yes ☐ No *☐ If yes, specify:

3. Preferred financing term: 20 years.

B. Is any debt being repaid from the revenue source(s) referenced in A (1)? Yes *☐ No ☐

If yes, provide bond or loan documents and payment schedule for any existing debt service being paid from the same revenues that would be used to repay a NMFA loan. Attached

IV. READINESS TO PROCEED ITEMS

A. **The following items must accompany this application in order for this application to be considered complete:**

- ☐ Equipment cost breakdown (if applicable)
- ☐ Three most recently completed fiscal year audit reports
- ☐ Current unaudited financials
- ☐ Current fiscal year budget
- ☐ Verification of ownership of land where project will be located
- ☐ Documentation that each non-NMFA project funding source has been approved, or is in the process of being approved (if applicable)
- ☐ Joint Powers Agreement (if applicable)

B. **In addition, complete the following information, using additional paper as necessary. These items will be required prior to disbursement of NMFA proceeds:**

- ☐ Provide a detailed drawdown schedule for project payments
- ☐ Final technical information for the project, stamped and approved by a registered engineer
- ☐ Cost breakdown of the project, certifiable by either an engineer or architect
- ☐ Area map, site map, and floor map (if applicable)
- ☐ Verification of ownership of land where project will be located
- ☐ Documentation that each Non-NMFA project funding source has been approved, or is in the process of being approved (if applicable)
- ☐ Documentation showing status of right-of-way acquisition (if applicable)

- ☐ Explanation of land ownership arrangements (if applicable)
- ☐ List all required permits and licenses necessary to complete this project. Detail the status of each item, a plan of action, and time frame for completing incomplete permits and licenses. Also provide a copy of all permits and licenses.
- ☐ Is there litigation pending which would have a bearing on this project or applicant?
 Yes ☐ No *☐
 If yes, provide a complete summary of all circumstances relating to such litigation.
- ☐ Indicate the regular meeting dates for your authorizing body: Third Thursday of each month

V. CERTIFICATION

I certify that:

We have the authority to request and incur the debt described in this application and, upon award, will enter into a contract for the repayment of any NMFA loans and/or bonds.

We will comply with all applicable state and federal regulations and requirements.

To the best of my knowledge all information contained in this application is valid and accurate and the submission of this application has been authorized by the governing body of the undersigned jurisdiction.

Signature:

Title: Commission Chairman

 (highest elected official)

Jurisdiction:

Sandoval County Commission

Print Name:

Darryl Madalena

Date:

April 4, 2013

Signature:

Date: April 4, 2013

Finance Officer/Director:

Cassandra Herrera